

DAVID A. HUBBERT  
Acting Assistant Attorney General

KIM GILBERT EBRON

E. CARMEN RAMIREZ  
TY HALASZ  
Trial Attorneys, Tax Division  
U.S. Department of Justice  
P.O. Box 683  
Washington, D.C. 20044

DIANA S. EBRON (Nev. Bar 10580)  
JACQUELINE GILBERT (Nev. Bar 10593)  
7625 Dean Martin Drive, Ste. 110  
Las Vegas, Nevada 89139  
*Counsel for SFR Investments Pool 1, LLC*

T: (202) 616-2885 (Ramirez)  
T: (202) 307-6484 (Halasz)  
F: (202) 307-0054  
E.Carmen.Ramirez@usdoj.gov  
Ty.Halasz@usdoj.gov  
Western.Taxcivil@usedoj.gov

LIPSON NEILSON, COLE, SELTZER & GARIN, P.C.

J. WILLIAM EBERT (Nev. Bar 2697)  
JANEEN V. ISAACSON (Nev. Bar 6429)  
9900 Covington Cross Dr., Ste. 120  
Las Vegas, Nevada 89144

*Counsel for the United States of America*

*Counsel for Anthem Country Club Community Association*

WRIGHT, FINLAY & ZAK, LLP

Darren T. Brenner (Nev. Bar 8386)  
Jory C. Garabedian (Nev. Bar 10352)  
7785 W. Sahara Ave, Suite 200  
Las Vegas, NV 89117  
(702) 475-7964; Fax: (702) 946-1345  
dbrenner@wrightlegal.net

*Counsel for Rocktop Partners, LLC; and  
Wilmington Savings Fund Society, FSB, as  
Trustee of Stanwich Mortgage Loan Trust A*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

ROCKTOP PARTNERS, LLC; and )  
WILMINGTON SAVINGS FUND SOCIETY, )  
FSB, as Trustee of Stanwich Mortgage Loan )  
Trust A, )

Case No. 2:17-cv-00604-RFB-BNW  
*consolidated with*  
Case No. 2:17-cv-00916-KJD-BNW

Plaintiffs,

**JOINT MOTION BY THE  
ACTIVELY LITIGATING PARTIES  
TO EXTEND COURT'S  
DEADLINES TO FACILITATE  
EFFORTS TO COMPROMISE  
AND [PROPOSED] ORDER  
(THIRD REQUEST UNDER  
CURRENT SCHEDULING ORDER)**

v.

SFR INVESTMENTS POOL 1, LLC, a  
Nevada limited liability company; and  
ANTHEM COUNTRY CLUB COMMUNITY,  
ASSOCIATION, a Nevada nonprofit  
corporation,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEON BENZER; SFR INVESTMENTS POOL  
1, LLC; ROCKTOP PARTNERS, LLC;  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, as Trustee of Stanwich Mortgage Loan  
Trust A; ANTHEM COUNTRY CLUB  
COMMUNITY ASSOCIATION;  
REPUBLIC SILVER STATE DISPOSAL INC.,  
and INDEMNITY COMPANY OF  
CALIFORNIA,

Defendants.

ROCKTOP PARTNERS, LLC; and  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, as Trustee of Stanwich Mortgage Loan  
Trust A,

Cross-Claimants,  
Counter-Claimants,

v.

UNITED STATES OF AMERICA; LEON  
BENZER, an individual; SFR INVESTMENTS  
POOL 1, LLC, a Nevada limited liability  
company; and ANTHEM COUNTRY CLUB  
ASSOCIATION, a Nevada corporation,

Cross-Defendants,  
Counter-Defendants.

1 The Court has permitted discovery to be re-opened for a limited purpose and set an  
 2 expedited briefing schedule to resolve any discovery disputes. The litigating parties are  
 3 attempting to resolve potential disputes without motions practice, and are also exploring a  
 4 possible settlement that would involve selling the real property at issue and allocating the  
 5 proceeds between them. While the parties have made progress in their settlement talks, there are  
 6 several logistical issues that must be worked through to sell a seven-figure property.

7 Therefore, Anthem Country Club Community Association (“Anthem”), SFR Investments  
 8 Pool 1, LLC (“SFR”), Rocktop Partners LLC (“Rocktop”) and Wilmington Savings Fund  
 9 Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A (“Wilmington”) and the United  
 10 States<sup>1</sup> jointly move the Court for an order extending the discovery deadline, including the  
 11 deadlines for bringing discovery motions, from September 8, 2021, to November 22, 2021, and  
 12 to extend the deadline dispositive motions from October 8, 2021, to December 22, 2021, i.e., 75  
 13 days for each.

#### 14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 On December 20, 2020, the Court ordered that discovery be re-opened, in light of new  
 16 issues that arose after most discovery had closed. (ECF No. 342 at 19.) Discovery is currently  
 17 set to close September 8, 2021. (ECF No. 385.)

18 On April 27, 2021, the United States issued written requests for discovery to Rocktop and  
 19 Wilmington based on a new production of documents by Rocktop and Wilmington. After the  
 20 United States sent the requests, Rocktop and Wilmington hired new counsel. (See ECF Nos. 377  
 21 and 378 (orders granting motions to substitute attorneys).) Rocktop and Wilmington are now  
 22 represented by the counsel listed above. The United States agreed to allow Rocktop and  
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 25 <sup>1</sup> None of the other named parties are actively litigating.

1 Wilmington additional time to respond, beyond the 30 days generally permitted in the Federal  
2 Rules of Civil Procedure, so as to allow the new counsel time to become more familiar with the  
3 case. The United States had also noticed a Rule 30(b)(6) deposition. The parties agreed to  
4 postpone the deposition until Rocktop and Wilmington provided discovery responses, so that the  
5 new counsel would have time to prepare a witness, and to see if the topics could be streamlined  
6 based on the discovery responses. Rocktop and Wilmington served the responses to the written  
7 discovery requests on June 17, 2021. While they answered many of the requests in full or in  
8 part, they objected to certain portions of the requests.

9 In connection with discussions regarding the discovery responses, the parties began  
10 exploring a possible settlement. They thus requested and obtained a 30 day extension to  
11 facilitate the discussions. (*See* ECF No. 385). Rocktop and SFR used the extended time to  
12 interview a number of real estate agents/brokers about listing and marketing the sale of the  
13 property and their initial opinions on estimated value. Rocktop and SFR have narrowed down  
14 the list of agents/brokers to one candidate, who recommends some moderate repairs to maximize  
15 the property's estimated value. In addition, the parties are in the middle of negotiations on a split  
16 of the anticipated proceeds of sale, which inevitably needs to factor in third party commissions  
17 and other closing costs commonly associated with buying and selling residential real estate.

18 As part of the closing process, other potential liens may need to be addressed and/or  
19 resolved to convey clear title to a third party. Addressing or resolving these liens might impact  
20 the split of sales proceeds amongst the parties. Also, the parties may not know the full extent of  
21 any liens until a title insurer issues a title policy commitment after the property is under a sale's  
22 contract. In the interim, the parties are doing their best to investigate the status of any potential  
23 liens before the property is listed or placed under contract.

1       The parties believe a resolution is possible, but request a further extension of 75 days to  
2 work through these and other issues. Selling a seven-figure property and reaching a settlement  
3 between five parties are complex endeavors. The request is not to create undue delay, but to  
4 allow the parties to streamline the potential discovery disputes, to narrow the scope of a  
5 previously-noticed deposition, and to explore settlement of their title disputes more globally.

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WHEREFORE, the undersigned respectfully request that the Court extend discovery deadlines, including the deadlines for bringing motions concerning the pending objections to the United States' written discovery requests, as well as the dispositive motion deadline, by 75 days.

DATED August 17, 2021

Respectfully submitted,

LIPSON, NEILSON, COLE, SELTZER & GARIN,  
P.C.

KIM GILBERT EBRON

By: /s/ Janeen V. Isaacson  
J. William Ebert (Nev. Bar No. 2697)  
Janeen V. Isaacson (Nev. Bar No. 6429)  
9900 Covington Cross Dr., Ste. 120  
Las Vegas, Nevada 89144

By: /s/ Diana S. Ebron  
Diana S. Ebron (Nev. Bar No. 10580)  
Jacqueline Gilbert (Nev. Bar No. 10593)  
7625 Dean Martin Drive, Ste. 110  
Las Vegas, Nevada 89139

*Counsel for Anthem Country Club  
Community Association*

*Counsel for SFR Investments Pool 1, LLC*

DAVID A. HUBBERT  
Acting Assistant Attorney General

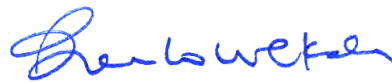
By: /s/ E. Carmen Ramirez  
E. Carmen Ramirez  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683  
Washington, DC 20044

*Counsel for the United States*

**Order**

**IT IS SO ORDERED**

**DATED:** 10:29 am, August 20, 2021



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

WRIGHT, FINLAY & ZAK, LLP

By: /s/ Jory C. Garabedian  
Darren T. Brenner (Nev. Bar 8386)  
Jory C. Garabedian (Nev. Bar 10352)  
7785 W. Sahara Ave, Suite 200  
Las Vegas, NV 89117  
(702) 475-7964; Fax: (702) 946-1345  
dbrenner@wrightlegal.net

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